

### **REMARKS**

This amendment is filed with a Request for Continued Examination following the Final Rejection mailed December 29, 2005.

#### **Summary of the Rejections**

Claims 1-3 and 5 are rejected under 35 U.S.C. §103 as allegedly being unpatentable over US Patent No. 4,760,593 to Shapiro et al. (hereafter referred to as "Shapiro") in view of US Patent No. 5,946,616 to Schornack et al. (hereafter referred to as "Schornack") and US Patent Application Publication US 2003/0169852 to Otero (hereafter referred to as "Otero.") Claims 6 and 10 are rejected under 35 U.S.C. §103 as allegedly being unpatentable over Shapiro, Schornack, and Otero and further in view of US Patent No. 6,259,787 to Schulze (hereafter referred to as "Schulze) and US Patent No. 6,163,249 to Betcher, III (hereafter referred to as "Betcher.") Finally, claims 7-9 stand rejected under 35 U.S.C. §103 as allegedly being unpatentable over Shapiro, Schornack, and Otero and further in view of US Patent No. 6,060,994 to Chen (hereafter referred to as "Chen.")

#### **35 U.S.C §103 Rejection**

Applicant respectfully traverses this rejection.

Independent claim 1 teaches a system for emergency communication comprising a base unit, a POTS telephone handset, a telephone keypad, circuitry for establishing two

way telephone voice service over both wired and wireless media and digital recording and voice recognition circuitry for activating the system from a remote location.

The Examiner relies on Shapiro to teach a base unit, a POTS telephone handset and keypad, and the circuitry to establish voice communications over POTS wiring. Schornack is relied upon to teach selective switching between a POTS line and a wireless telephone service. The Rejection then concedes that both Shapiro and Schornack fail to teach digital recording and voice recognition circuitry. To teach these limitations, the Rejection then relies on Otero, paragraph [0036]. MPEP 2143 states that in order to establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all the claim limitations." The Rejection fails to establish a *prima facie* case of obviousness because nothing in Otero teaches or suggests any digital recording circuitry. Paragraph [0036] states:

"For remote activation, the voice recognition software provided is continually activated. A person in need of emergency simply says "Help 911" and the microphone of the apparatus 1 will compare voice signatures with the apparatus's internal database. If a match occurs, a call will be placed to a 911 operator and the person in need can communicate with the operator via the speakerphone."

There is no mention in this paragraph about any digital recording circuitry. In one embodiment, the digital recording circuitry is important because it can record the voice of the user and any combination of words that user wishes to be identified as an emergency. This allows users who do not speak English or who have speech difficulties to essentially "train" the machine to dial in response to their pre-determined sequence of words. Otero does not teach in this paragraph or anywhere in its text digital recording circuitry, thus a *prima facie* case of obviousness has not been established.

Regarding claims 2 and 5, the Examiner relies on Shapiro to teach the limitations. Regardless of the teachings of Shapiro regarding these specific limitations, the Examiner has failed to make a *prima facie* case of obviousness as shown above regarding claim 1.

Regarding claim 3, the Examiner relies on Shapiro, Schornack and Otero to teach the claimed functions. Regardless of the teachings of Otero regarding these specific limitations, the Examiner has failed to make a *prima facie* case of obviousness as shown above regarding claim 1.

Regarding claim 6, the outstanding Rejection fails to respond to the arguments previously presented although the claim has not been amended, additionally, in spite of the lack of amendment, the Rejection states a new basis of rejection using the Schornack reference. However, the Rejection suffers from the same deficiencies of the previous argument. These arguments are restated here. The Rejection concedes that Shapiro, Schornack, and Otero fail to teach a level sensor circuit operable to detect a condition of the base unit and circuitry for contacting the emergency service in the event the base unit is in a non-horizontal position. The Rejection relies on references to Schulze and Betcher to render this limitation obvious. First, Schulze is referenced to teach the activation of an alarm based on a "jarring" of the base unit (column 3, lines 51-53). Second, Betcher is relied upon to teach the use of a level sensor in the activation of an alarm. This rejection amounts to a piecemeal application of references utilizing the benefit of hindsight to recreate the claimed invention. Specifically, the reference to Schulze shows a system similar to the claimed system in that it involves a

telephone with a base unit that is monitored. However, it lacks the essential claimed element of a level sensor. This level sensor is found in a reference unrelated to a base unit of a telephone but for devices such as wheelchairs, walkers, or other devices used in locomotion. Absent hindsight, it would not be obvious to one of ordinary skill in the art to look to a moving device for a teaching regarding a stationary telephone system.

Regarding claims 7 and 8, the outstanding Rejection fails to respond to the arguments previously presented although the claims have not been amended. Regarding claims 7 and 8, the Rejection relies on Chen (Table 1) to teach the detection of a dead line condition and initiate a call. The teaching in Chen shows that an exception is generated in the condition of a telephone remaining "on line." This would mean that a telephone is off the hook with a dial tone, but no number has been dialed and no connection has been made. In contrast, the instant claims and specification clearly state that a "dead line condition" is detected. This dead line condition is when the phone has been left off the hook for a "few minutes" and is dead or no longer has a dial tone (see specification, paragraph [0038].) The situation detected by Chen is separate from this dead line condition and thus the reference fails to teach this limitation and a *prima facie* case of obviousness is not established.

Independent claim 9 is allowable for the same reasons shown above regarding claim 7.

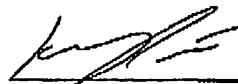
Independent claim 10 is allowable for the same reasons shown above regarding claim 6.

### Conclusion

In light of the amendment and the reasons set forth above, it is respectfully submitted that all of the pending claims are in clear condition for allowance.

If additional fees are required, the Commissioner is hereby authorized to charge any additional fees to the undersigned's deposit account number 11-0853.

Respectfully submitted,



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